THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL CASE NO. 1:11cv300

TERESA R. SMITH,)
Plaintiff,)
vs.	ORDER
MICHAEL J. ASTRUE, Commissioner of Social Security))
Defendant.))

THIS MATTER is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 8]; the Defendant's Motion for Summary Judgment [Doc. 9]; the Magistrate Judge's Memorandum and Recommendation [Doc. 11] regarding the disposition of those motions; and the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 12].

After careful consideration of the Magistrate Judge's Recommendation [Doc. 11] and the Plaintiff's Objections thereto [Doc. 12], the Court finds that the Magistrate Judge's proposed findings of fact are correct and that his proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts

the Magistrate Judge's Recommendation that the Commissioner's decision in

this case be affirmed.

IT IS, THEREFORE, ORDERED that the Plaintiff's Objections to the

Memorandum and Recommendation [Doc. 12] are OVERRULED and the

Magistrate Judge's Memorandum and Recommendation [Doc. 11] is hereby

ACCEPTED.

IT IS FURTHER ORDERED that, for the reasons stated in the

Memorandum and Recommendation, the Defendant's Motion for Summary

Judgment [Doc. 9] is **GRANTED**; the Plaintiff's Motion for Summary Judgment

[Doc. 8] is **DENIED**; and the decision of the Commissioner is **AFFIRMED**.

This case is hereby **DISMISSED**.

A judgment shall be entered simultaneously herewith.

IT IS SO ORDERED.

Signed: August 2, 2012

Martin Reidinger

United States District Judge